



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

Telephone
(617)-796-1120
Telefax
(617) 796-1142
E-mail
mkruse@ci.newton.ma.us

Public Hearing Date:	June 14, 2004
Zoning and Planning Action Date:	To be determined
Board of Aldermen Action Date:	September 7, 2004
90-Day Expiration Date:	September 26, 2004

TO: Board of Aldermen
Planning and Development Board

FROM: Michael Kruse, Director of Planning and Development
Juris G. Alksnitis, Chief Zoning Code Official

SUBJECT: PETITION #49-04 of ALD. LINSKY and JOHNSON for change of zone of 26 parcels on CABOT ST, CLAREMONT ST., LANGDON ST., LAUDHOLM RD., ROCHESTER RD., SURREY RD., AND WESTCHESTER RD., NEWTONVILLE, from **Multi-residence 1** to **Single Residence 2**. See Attachment A for list of parcels.

CC: Mayor David B. Cohen
Philip B. Herr, Chair, Comprehensive Planning Advisory Committee

RECOMMENDATION: Rezone Rochester Road area as proposed. Hold area between Cabot Street and Surrey Road for further study for placement of zoning boundary.

The purpose of this memorandum is to provide the Board of Aldermen, Planning and Development Board, and the public with technical information and planning analysis which may be useful in the decision making process of the Planning and Development Board and Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Zoning and Planning Committee of the Board of Aldermen will consider in its discussion at a subsequent working session.

BACKGROUND

During recent years, a number of petitions were filed with the Zoning and Planning Committee (ZAP) of the Board of Aldermen (Board) with the intent of updating Section 30-15, "Density/dimensional requirements." Due to the complexity of the various suggested changes, a special study committee, the 30-15 Task Force (Task Force) was established by ZAP.

As a result of work done by the Task Force, a number of recommendations to modify Section 30-15(c) have already been enacted by the Board. The Task Force had also begun to look at areas of the City where there appeared to be differences between the existing residential land use patterns and their

relationship to existing zoning. The Board reviewed three rezoning proposals recommended by the Task Force. Of these, one (Petition #231-02(2)) was adopted as proposed along Oakmont and vicinity in Thompsonville, changing the zone from Multi-Residence 1 to Single Residence 3. Another (Petition #285-02) was adopted in modified form, changing the zone in the Woodbine Street area of Auburndale from Multi Residence 1 to Single Residence 3. A third proposal (Petition #286-02) to “upzone” the Northgate Park/Southgate Park area of West Newton from Single Residence 3 to Multi Residence 1 was not enacted.

A resident then petitioned (Petition #450-02) to rezone the Noble Street block from Single Residence 3 to Multi Residence 1. This area, as part of a larger area including Milo Street and various nearby parcels was among a “lower tier” group of potential areas noted by the Task Force for possible zoning review, but had not been pursued. Petition #450-02 was not approved by the Board of Aldermen.

The subject petition seeks to rezone 26 parcels located in Newtonville approximately along the zoning boundary between Multi-Residence 1 and Single Residence 2. While the Task Force briefly looked at this item previously when it was considered on a smaller scale, it has not taken a position on the proposal as currently articulated.

It is also noted that a major effort is currently underway to prepare the land use, transportation and housing elements of the City’s comprehensive plan involving the Comprehensive Plan Advisory Committee (CPAC). This undertaking follows the principles and reflects the core values articulated in the *Framework Plan for Newton’s Planning*, which was endorsed by the Board of Aldermen in April 2001. Now that this process is underway, it is important that such zone changes, as may be proposed, be viewed in the context of an overall land use and zoning approach.

SIGNIFICANT ISSUES FOR CONSIDERATION

The primary issues for the Board of Aldermen to consider are:

- 1. Whether and how the rezoning would affect this section of Newtonville from a residential land use perspective compared to current zoning;*
- 2. Whether and how the rezoning would affect property rights and values; and*
- 3. Whether and how the rezoning would adversely impact the City’s current and future housing stock.*

I. ELEMENTS OF THE PETITION

This petition seeks to rezone 26 lots containing approximately 219,742 sq.ft. currently zoned Multi-Residence 1 to Single Residence 2. The petitioned area, currently zoned MR-1 is fully developed, containing primarily single family homes and is located along the eastern zoning boundary between the two subject zones. The current Multi-Residence 1 zone extends northward through Newtonville up to the Massachusetts Turnpike. A small Manufacturing zone is located parallel with the Massachusetts Turnpike approximately between Harvard Street, Newtonville Avenue and Lewis . Further north across the Massachusetts Turnpike and Washington Street are Business 1 and Business 2 zones.

Across Lewis to the east is a continuation of the Multi-Residence 1 zone reaching into Newton Corner. Lewis and Langdon generally serve as the northeasterly and easterly boundary between the subject Multi-Residence 1 zone, the subject large Single Residence 2 zone and a small Single Residence 3 zone to the east. South of Surrey the zoning district boundary generally follows back lot lines of properties facing Langdon Street, while splitting two lots, then follows the westerly

side of Laudholm. After crossing Cabot Street, the district follows the old boundary line established prior to the development of this area, also splitting five (5) current lots until reaching Edmands Park.

On the south, the boundary initially follows the property line of Edmands Park, skirts the intersection of Blake Street and Withington, crosses and divides the subject lot, and then follows back lot lines of properties located at Harvard Circle and Atwood Avenue. As noted above, a large Single Residence 2 zone lies to the east and south. A Single Residence 2 zone located to the west abuts the subject MR-1 zone along the back lot lines of properties fronting on Gay Street. Approaching the Newtonville commercial area, the subject Multi-Residence 1 zone meets a Multi-Residence 2 and Business 1 zone fronting on Walnut Street.

If approved, the proposed rezoning will expand the SR-2 zone, and in effect shift the current MR-1/SR-2 zoning boundary toward the west. Of the 7 lots currently split by the existing boundary, 6 will be unified within the same SR-2 zone, while one lot at 100 Rochester Road, not within the area proposed to be rezoned, will remain split. In addition, in order to avoid the unintended result of a thin SR-2 zoning strip separating two MR-1 zoned lots, the “panhandle” portion of the lot at 58 Rochester Road would remain in the MR-1 zone while bulk of the lot would be rezoned SR-2.

II. ANALYSIS

A. Zoning History

Rochester Road area. The first zoning references to this part of the area under review appear in the City’s 1922 Zoning Atlas, which indicates that the subject area was initially zoned “Private Residence”. In 1925 changes occurred which were recorded as amendments to the Atlas dated May 6, 1925. A new zoning boundary is depicted running diagonally from Edmands Park to Cabot Street delineating a new undeveloped “Single Residence” zone to the east. While Rochester Road and other streets are first shown on an amendment to the Atlas dated December 15, 1930, the zoning boundary was unchanged. In 1940, the area shows the same Private Residence Zone, while the Single Residence zone is now designated as Single Residence B. This pattern is repeated on the 1951 Zoning Atlas. As Rochester Road and nearby streets were developed over time, lots were subdivided in various ways incongruent with the zoning boundary, which has remained unchanged since 1925. In 1987 the zoning designations were changed from Private Residence to Multi-Residence 1 and from Single Residence B to Single Residence 2. This area contains 5 lots split by the zoning boundary.

Langdon Street area between Cabot Street and Surrey Road The first zoning references to this part of the area under review appears in the City’s 1922 Zoning Atlas, which indicates that the subject area was initially zoned “Private Residence” extending to the back lot lines of East Side Parkway properties then zoned “General Residence.” In 1925 changes occurred which were recorded as amendments to the Atlas dated May 6, 1925. A new zoning boundary is depicted running along Laudholm Road then along the back lot lines of Langdon Street properties to Surrey Road delineating a new undeveloped “Single Residence” zone of modest size to the east. While Laudholm Road is first shown on an amendment to the Atlas dated December 15, 1930, the zoning boundary was unchanged. In 1940, the area shows the same Private Residence Zone, while the Single Residence zone is now designated as Single Residence B. This pattern is repeated on the 1951 Zoning Atlas. In 1987 the zoning designations were changed from Private Residence to MR-1 and Single Residence 2. As Laudholm Road, Langdon Road, and Surrey Road developed further over time, lot lines were drawn in various ways incongruent with the zoning boundary, which has remained unchanged since

1925. This area contains 2 lots split by the zoning boundary.

B. Development Implications

The subject area is a mature, built-out neighborhood. At the intersection of Winchester and Langdon s is a cluster of two-family homes. Two-family homes also predominate in a westerly direction from Langdon. However, the area proposed for rezoning from MR-1 to SR-2 contains only single family homes representing a range of styles, with colonial type homes predominating. The following table reflects the development potential of the subject area.

Potential Development	Lot Area (sq.ft.)	Min. Area per DU (sq.ft.)	# of Lots	Potential Additional DUs in MR-1
	MR-1			
N/A	Split lots ¹		6	0 ¹
N/A Undersize lots	0 – 6,999		1	0 ²
2F (pre-1953 lots) ³	7,000 – 9,999	3,500	13	+13
2F	10,000	5,000	5	+5
Att DU (SP) ⁴	15,000	4,000	1	+2
Totals			26	20

Notes:

¹Lots containing a zoning boundary within the property must be developed consistent with the most restrictive zone, i.e. SR-2, which precludes additional units.

²Undevelopable lots not meeting minimum lot area and area/unit requirements.

³Assumes lots in this size range approximate the number of lots created before 12/7/53.

⁴Requires special permit.

The proposed change in zoning will preclude the conversion of single-family dwellings to two-family structures extinguishing the potential for creating an additional 18 units. In addition, one lot has the potential for three attached dwelling units, generating two additional units above the current 1F use on the site. Six lots which are currently split due to the interior location of the SR-2/MR-1 zoning boundary may be redeveloped only for 1F homes consistent with the most restrictive zoning applicable to the lots, and have no additional development potential. One lot is un-developable due to substandard size and frontage. A change of zone as proposed will serve to maintain the currently predominant 1F use in this area while pre-empting development of a possible 20 new units overall, which would represent a 77% increase in dwelling units within the petitioned area.

Although long a part of the existing MR-1 zone, the subject area overall is a well-established, visually attractive, and cohesive single family area with quality single family homes. The Rochester Road area in particular exhibits these qualities, and is where the initiative for this rezoning began. Redevelopment of single family homes to two-family dwellings on this street would be intrusive and negatively alter the character

of this neighborhood. The Planning Department agrees that the proposed rezoning of the Rochester Road neighborhood should go forward.

However, shifting the zoning boundary westward from back lot lines to Langdon Street as proposed would perpetuate a divisive effect along the street whereby each side of the street will continue to have a different look and use pattern. As it is more desirable to have unified streetscapes, usual planning practice recommends that zoning boundaries be preferably located on back lot lines instead of along streets. This aspect deserves further review prior to finalization of the rezoning boundaries in the area between Cabot Street and Surrey Road

In addition, the proposed zone change will impose a more restrictive set of dimensional controls associated with the SR-2 zone, as set forth in Section 30-15, Table 1. This will cause a significant number of new non-conformities as to minimum lot area and frontage, along with setbacks and other dimensional control factors. Only 6 out of 26 lots would meet both lot area and frontage requirements for SR-2 pre-1953 lots and only 1 out of 26 lots would meet these minima for post-1953 lots. In comparison, at present 19 out of 26 parcels meet the lot area and frontage requirements for MR-1 pre-1953 lots.

While Section 30-21(a)(1)a) allows the alteration of a single or two-family home when the non-conformity is due solely to lot area and/or frontage, different rules apply for other dimensional controls. Although it is not possible to determine actual existing setbacks without a house by house survey, it is likely that the zone change to SR-2 will cause a number of new setback non-conformities. Where new front, side and rear yard non-conformities occur, these will tend to limit the ability of homeowners to adapt their homes to suit family needs in the future. Unless future modifications to a nonconforming home meet the *de minimis* criteria set forth in Section 30-21(c), a special permit will be required.

It is also noted that when housing production options are reduced, potential new housing supply is also constricted, which serves to maintain rather than moderate high housing prices in our community. As a result, one important consequence of the proposed rezoning will be to reduce the possible future development of 2F housing, which tends to be relatively more affordable, albeit still expensive in the Newton real estate market. However, as opportunities for higher density development or redevelopment arise near the Newtonville village center, such as the 11 unit redevelopment of the former Christian Science Church recently approved by the Board of Aldermen, loss of development potential in the subject boundary area may over time be approximately offset by the increase in density nearer the village center.

III. CONCLUSION

The proposed rezoning of 26 lots, including 6 part lots, to the SR-2 zone from the current MR-1 zone is being proposed as a measure to bring the zoning of the subject area into conformity with the prevailing 1F use and will eliminate existing split lot zoning for 6 parcels. As discussed above, this action will cause the repositioning of the current MR-1/SR-2 zoning boundary westward thereby shrinking the MR1 zone, which has existed (including under several older zoning classifications) in this area since the 1920's. The zoning change will also extinguish opportunities for development of 2F housing in the subject area, although such housing is present nearby.

Neighborhood input supports this rezoning petition which will serve to maintain the

currently predominant 1F use and will support the status quo in this mature and developed area. While 2F development is currently possible, this does not appear to be happening in the subject area at this time, although it is occurring in some locations within this large MR-1 zone. It is understandable that some in the neighborhood would feel a higher degree of comfort in an SR-2 zone. However, 2F use is not incompatible with all sections of the subject area, and where it already exists nearby, does not now cause negative impacts.

The proposed change will also generate a significant number of non-conformities as to lot size, frontage and setbacks by the imposition of the more restrictive dimensional requirements associated with the SR-2 zone. As a result, a number of homeowners may encounter situations where they will need to secure a special permit from the Board of Aldermen for modifying their home in the future to meet family needs, where such change would become the alteration of a non-conforming structure in the SR-2 zone, but would have been an alteration available as of right in the current MR-1 zone.

Finally, the Planning Department believes that it makes sense to proceed with the rezoning of the Rochester Road area consisting of 6 properties, together with two properties on Westchester Road and one property on Cabot Street. However, the area between Cabot Street and Surrey Road merits further study to determine the most appropriate location for a new zoning boundary which will preferably facilitate a unified rather than divided streetscape, and encourage a cohesive use pattern in this neighborhood in the future.

IV. RECOMMENDATION

The Planning Department recommends that the Rochester Road area (9 parcels) be rezoned as proposed. In addition, we suggest that the area between Cabot Street and Surrey Road be further reviewed so as to ensure a zoning boundary, which will have a unifying effect on streetscape and neighborhood cohesiveness.

ATTACHMENTS

Attachment A – List of parcels proposed for rezoning

Land Use Map

Existing Zoning Map

Proposed Zoning Map